



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held June 3, 2003, the Board took the following action:

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The following item was called up for consideration:

Supervisor Antonovich's recommendation to support AB 1432 (Firebaugh), legislation which would eliminate those provisions of California law which bar California prosecution based on foreign convictions or acquittals, but at the same time, would provide credit for actual time served in a foreign country for the same crime; and send a five-signature letter to Governor Davis, the President Pro Tempore of the Senate, Speaker of the Assembly, the Senate and Assembly minority leaders, and the Los Angeles County Legislative Delegation expressing the Board's support of AB 1432.

Supervisor Antonovich made the following statement:

"On April 29, 2001, Los Angeles County Deputy Sheriff David March was killed during a routine traffic stop in Irwindale. His killer, Armando Garcia, is believed to have fled to Mexico. Garcia is a three times deported criminal illegal alien who was wanted on attempted murder and weapons charges at the time he killed Deputy March. In October 2001, the Mexican Supreme Court ruled it unconstitutional to extradite any suspect whose offense would be punishable by the death penalty or life in prison without the guarantee of a determinate term.

"The Mexican Constitution requires the Mexican government to place a suspect on trial in Mexico for a crime committed in another country, if extradition is denied based on nationality. Because Garcia is a Mexican national and the killing of a peace officer is a capital offense in California, the Mexican government will refuse unconditional extradition and will then try him for murder in Mexico. If convicted, Garcia could be sentenced to anywhere between zero and 60 years in a Mexican jail. Additionally his sentence could be reduced on appeal, ordered served weekends or house arrest or he could be acquitted of all charges.

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“California is one of only six states which bars prosecution based on convictions or acquittals by foreign countries. Once Mexico places Garcia on trial for the murder of Deputy March or any related charge, jeopardy will attach and under California law, the District Attorney would be prohibited from ever prosecuting Garcia for the murder of Deputy March.

“Assembly Bill 1432 (Firebaugh) would preserve the District Attorney’s ability to file charges against Garcia or any other criminal who has fled to Mexico and voluntarily returned to the United States. Assembly Bill 1432 would eliminate those provisions of California law which bar California prosecution based on foreign convictions or acquittals, but at the same time, would provide credit for actual time served in a foreign country for the same crime. This bill will not only allow California prosecutors to place Armando Garcia on trial for the murder of Deputy March, but would also protect the District Attorney’s ability to prosecute what is estimated to be hundreds of criminals who have fled to Mexico and might some day voluntarily return.”

Therefore, on motion of Supervisor Antonovich, seconded by Supervisor Knabe, unanimously carried (Supervisor Molina being absent), the Executive Officer of the Board was instructed to send a five-signature letter to Governor Davis, the Senate President Pro Tem, Speaker of the Assembly, the Senate and Assembly minority leaders, and the Los Angeles County Legislative Delegation expressing the Board's support of AB 1432, legislation which would eliminate those provisions of California law which bar California prosecution based on foreign convictions or acquittals, but at the same time, would provide credit for actual time served in a foreign country for the same crime, or any other legislation with the same language, which protects the District Attorney’s ability to prosecute criminals who flee the United States.

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Copies distributed:

- Each Supervisor
- Chief Administrative Officer
- County Counsel

Letters sent to:

- Governor Gray Davis
- Senate President Pro Tem
- Senate Minority Floor Leader
- Speaker of the Assembly
- Assembly Minority Floor Leader
- Each Member, Los Angeles County Legislative Delegation